

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
June 4, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney
David Shawcroft, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Cort Griffin, Utah County Deputy Attorney
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Julie Rollins, Utah County Purchasing Agent
Kris Poulson, Utah County Assessor
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Raven Albertson, Utah County Health Department
Toni Carpenter, Utah County Health Department
Lana Jensen, Utah County Personnel Director
Jane Ivie, Personnel Office
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office

James O. Tracy, Utah County Sheriff
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Nancy Killian, Utah County Sheriff's Office
Jerry Monson, Utah County Sheriff's Office
Holden Rockwell, Utah County Sheriff's Office
Cory Wride, Utah County Sheriff's Office
Robert C. Kirk, Utah County Treasurer
Colton Miles, Congressman Jason Chaffetz's Office
Kari Nay, Spanish Fork Resident
Robert Nay, Spanish Fork Resident
Mark Nelson, Heber Valley Railroad
Kathryn Ballard, -No further information given-
Larry Ballard, -No further information given-
Clinton Stephens, -No further information given-
Kathleen Stephens, -No further information given-
Billy Hesterman, The Daily Herald
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Scott C. Hogensen, Utah County Chief Deputy Clerk/Auditor

CONSENT AGENDA

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE BARROW/UTAH COUNTY AGREEMENT ON SALE OF SEIZED HORSES**
2. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**
3. **APPROVE THE MINUTES OF THE MAY 28, 2013 COMMISSION MEETING**
4. **RATIFICATION OF PAYROLL**

Period 11	18 Checks: \$9,646.58	1,126 Total Deposits: \$1,400,490.56	Total: \$1,410,137.14
		Federal Payroll Taxes	Total: \$ 195,943.26

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5. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 529	May 28, 2013	Purchasing Cards 370-372	Total: \$ 1,118.81
Register No. 530	May 28, 2013	Direct Deposit:16967-16970	Total: \$ 743,591.73
Register No. 531	May 28, 2013	Check Nos. 180843-180902	Total: \$ 176,335.53
Register No. 532	May 28, 2013	Check Nos. 180903-180937	Total: \$ 31,716.91
Register No. 533	May 29, 2013	Direct Deposit:16971-16978	Total: \$ 1,207.56
Register No. 534	May 29, 2013	Check Nos. 180938-180951	Total: \$ 15,456.34
Register No. 535	May 29, 2013	Purchasing Cards 373-373	Total: \$ 941.28
Register No. 536	May 29, 2013	Check Nos. 180952-180973	Total: \$ 281,670.03
Register No. 537	May 30, 2013	Direct Deposit:16979-16979	Total: \$ 88.50
Register No. 538	May 30, 2013	Check Nos. 180974-180988	Total: \$ 36,980.93
Register No. 539	May 30, 2013	Direct Deposit:16980-16987	Total: \$ 2,761.35
Register No. 540	May 30, 2013	Check Nos. 180989-181015	Total: \$ 2,974.99
Register No. 541	May 30, 2013	Check Nos. 181016-181079	Total: \$ 2,520.00
Register No. 542	May 30, 2013	Direct Deposit:16988-16998	Total: \$ 714,684.93
Register No. 543	May 30, 2013	Check Nos. 181080-181089	Total: \$ 73,009.68
Register No. 544	May 31, 2013	Check Nos. 181090-181104	Total: \$ 212,544.00
		Total:	<u>\$2,297,602.57</u>

Consent Agenda Item Nos. 1 through 5 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

3. APPROVE PERSONNEL ACTIONS ORIGINATING MAY 30, 2013

4. ADOPT A RESOLUTION AMENDING SECTION V.A.2 OF THE UTAH COUNTY PERSONNEL RULES AND REGULATIONS PERTAINING TO PERSONNEL ACTION REQUESTS

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH DAN POULSEN TO PROVIDE CONCESSION SERVICES AT LINCOLN BEACH (*Continued from the May 21 and May 28, 2013 Commission meetings*)

Utah County Public Works Director Richard Nielson requested that the commissioners strike this item from the agenda.
STRICKEN

9. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL COOPERATION AGREEMENT WITH CEDAR HILLS REGARDING CONSTRUCTION OF NORTH COUNTY BOULEVARD

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 31 TO AGREEMENT NO. 2011-373 WITH CONDIE CONSTRUCTION INC. FOR A FIBER OPTIC SYSTEM IN THE AMOUNT OF \$651,610.55

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 4, and 5 were **ratified**; No. 2 was **adopted**; and No. 3 was **approved**. Regular Agenda Item No. 3 was **approved**; Nos. 4 and 9 were **adopted**; No. 7 was **stricken**; and No. 10 was **approved and authorized**.

AGREEMENT NOS.: 2013-385, 2013-386, and 2013-387

RESOLUTION NOS.: 2013-63, 2013-64, and 2013-65

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REGULAR AGENDA

1. ISSUE A PROCLAMATION TO RECOGNIZE THE ACCOMPLISHMENTS OF ROBERT NAY IN THE TECHNOLOGY FIELD OF INTERACTIVE GAME APPLICATION CREATION, AND PROCLAIM JUNE 4, 2013 ROBERT NAY DAY

Robert Nay is the teen-aged son of Utah County Public Works Associate Director Don Nay and his wife Kari. He is the creator of "Bubble Ball," an interactive physics puzzle game for Apple Inc. products. Robert Nay's "Bubble Ball" eventually became popular than "Angry Birds," the previous number one free download game from Apple's iTunes. The commissioners invited him forward to speak about some of his accomplishments, including recently completing his sophomore year of high school. They praised his technological prowess, proclaiming June 4, 2013 as Robert Nay Day and posed for photographs with the young man.

PROCLAMATION NO. 2013-2

2. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JUNE 2013

Don Holden Rockwell of the Utah County Sheriff's Office was recognized as the Utah County Employee of the Month for June 2013.

5. APPROVE AND ADOPT, OR DENY, AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE, SECTION 2-2-B-17.5: DEFINITION OF COUNTY ENGINEER; AND SECTION 2-2-B-103: DEFINITION OF ZONING ADMINISTRATOR; AND AMEND SECTIONS TO REPLACE VARIATIONS OF THE TERM "COMMUNITY DEVELOPMENT DIRECTOR" WITH THE TERM "ZONING ADMINISTRATOR" AND TO REPLACE VARIATIONS OF THE TERM "PUBLIC WORKS DIRECTOR" WITH THE TERM "COUNTY ENGINEER"

Commissioner Anderson made the motion to approve and adopt an ordinance amending the Utah County Land Use Ordinance Sections 2-2-B-17.5 and 2-2-B-103 as detailed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

ORDINANCE NO. 2013-4

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE OREM CITY 2013 SUMMERFEST VENDOR AGREEMENT FOR AN EDUCATIONAL BOOTH BY THE "OUTRAGE" ANTI-TOBACCO YOUTH GROUP

Utah County Health Department Executive Director Dr. Joseph K. Miner introduced Toni Carpenter and Raven Albertson. Ms. Carpenter and Ms. Albertson are involved with the educational booth to be featured during Orem City's 2013 Summer Festival. The commissioners questioned whether the city would be willing to waive the fees for the "OUTRAGE" Youth Group, and Ms. Carpenter noted that while that had been offered for the past four years, the city's current budget issues were preventing them from extending that courtesy.

Toni Carpenter and Raven Albertson reviewed several upcoming events by OUTRAGE for the Summer, and Dr. Joseph K. Miner mentioned that the group consists of youth considered to be high-risk for smoking and substance abuse. They discussed the dangers of trending electronic cigarettes and their inclusion under the state Indoor Clean Air Act. Ms. Carpenter also pointed out that Macey's and Harmons grocery stores no longer sell tobacco products, as part of an effort to nationally promote healthier lifestyles. The commissioners thanked the team for their work in the community.

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Commissioner Anderson made the motion to approve and authorize the Orem City 2013 SummerFest Vendor Agreement as discussed in Regular Agenda Item No. 6. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-388

8. APPROVE OR DENY A REQUEST FROM WORLD OF DIFFERENCE TO WAIVE THE \$200 EVENT PERMIT FEE FOR USE OF A PORTION OF THE LOWER PROVO RIVER PARKWAY FOR THE "ADVENTURE RACE FOR AFRICA" TO BE HELD ON JULY 13, 2013

Utah County Public Works Director Richard Nielson described the location of the race, which has previously taken place in the county with fees waived by the Commissioners.

Commissioner Anderson made the motion to waive the \$200 event permit fee for World of Difference for use of a portion of the Lower Provo River Parkway for the "Adventure Race for Africa" to be held on July 13, 2013 as described in Regular Agenda Item No. 8, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-389

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH KONE INC. FOR MAINTENANCE OF ELEVATORS IN COUNTY FACILITIES, AND SPECIFY THE CONTRACT PAYMENT FREQUENCY ON PAGE 1 OF THE AGREEMENT

Utah County Public Works Director Richard Nielson explained that Utah County has upheld several contracts with Kone Inc. for the maintenance of multiple elevators throughout county facilities. This agreement is to consolidate those documents, simultaneously updating them and getting a discount for the county in the process. He and the commissioners discussed the payment plans for the updated contract.

Commissioner Anderson made the motion to approve and authorize the agreement with Kone Inc. for maintenance of elevators in County facilities as defined in Regular Agenda Item No. 11. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-390

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AMENDMENT TO THE FIRE SERVICE INTERLOCAL COOPERATION AGREEMENT WITH NORTH FORK SPECIAL SERVICE DISTRICT (Continued from the May 21 and May 28, 2013 Commission meetings)

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Utah County Deputy Attorney Cort Griffin came forward to respond to Commissioner Ellertson's comments. Commissioner Ellertson summarized that the North Fork Special Service District had requested a commitment from the county to be able to build a fire station. This agreement updates the wording of the promised dollar amount, the formula for which should be reviewed with Danene Jackson of the Utah County Clerk/Auditor's Office.

Commissioner Ellertson made the motion to approve and authorize the amendment to the Fire Service Interlocal Cooperation Agreement with North Fork Special Service District as outlined in Regular Agenda Item No. 12. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-391

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF HERITAGE AND ARTS, UTAH STATE LIBRARY DIVISION FOR BOOKMOBILE SERVICE IN UTAH COUNTY

Utah County Civil Division Chief Attorney E. Kent Sundberg briefly clarified the Bookmobile service schedule.

Commissioner Ellertson made the motion to approve and authorize the Memorandum of Agreement with the Department of Heritage and Arts, Utah State Library Division for Bookmobile service in Utah County as specified in Regular Agenda Item No. 13. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-392

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

STRICKEN

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

STRICKEN

18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

STRICKEN

Commissioner Anderson made the motion to strike Regular Agenda Item Nos. 15, 16 and 18 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended.

The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

1. PRESENTATION ON THE OPERATION AND STATUS OF THE HEBER VALLEY HISTORIC RAILROAD BY EXECUTIVE DIRECTOR MARK NELSON

Mark Nelson is the Executive Director of the Heber Valley Historic Railroad. He garnered the attention of the commissioners and the audience with a PowerPoint presentation highlighting the selling points of the train service, including Holiday programs, weekend special events, and group discounts for activities coupled with other businesses. Mr. Nelson explained that while the majority of the railroad's revenue comes from tourists, there is an untapped resource to bring in more local residents. He suggested that Vivian Park in Provo Canyon could be updated to provide a secure station and attraction point. The commissioners expressed interest in a future collaboration with the Heber Valley Historic Railroad for this endeavor, thanking Mr. Nelson for his presentation and exchanging contact information to move forward in the process.

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:09 A.M. to go into closed meetings. The public meeting reconvened at 10:50 A.M.

Commissioner Ellertson made the motion to adjourn the June 4, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:50 A.M. The minutes of the June 4, 2013 Commission Meeting were approved as transcribed on June 11, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

SCOTT C. HOGENSEN
Chief Deputy
Utah County Clerk/Auditor

